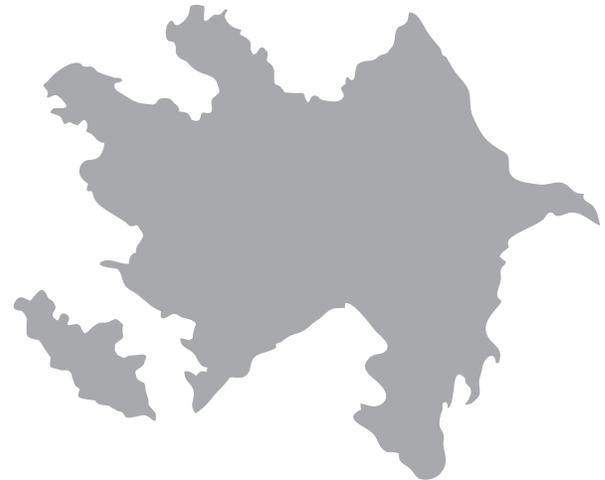


In 2012, Azerbaijan made a moderate advancement in efforts to eliminate the worst forms of child labor. The Government passed a law prohibiting the production of child pornography and the President established through Decree No. 626 the development of a coordinating mechanism for activities conducted by all central authorities assigned to the protection of child rights. In addition, the Government continued to support the implementation of the National Action Plan on the Protection of Human Rights and the 2009-2013 National Action Plan for Combatting Human Trafficking, which included provisions to assist homeless and other children at the greatest risk for trafficking. However, research found limited evidence of government programs to address child labor in sectors where it does exist. Children in Azerbaijan continue to engage in the worst forms of child labor in hazardous work in the agriculture sector and in street work.



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Azerbaijan are found in the worst forms of child labor in hazardous work in the agriculture sector and in street work. (3-12) Children work in the agriculture sector, including in cotton, tea, and tobacco production—although reports suggest that the number of child laborers in cotton, tea, and tobacco has considerably declined in the past decade, the significance is unknown. (4, 5, 8, 10, 13-18) Children working in agriculture may work long hours, in extreme temperatures, and with dangerous tools and pesticides. They also may carry heavy loads. (4, 8, 13)

In urban centers, children are involved in domestic work, commercial sexual exploitation, and street work such as begging, washing cars, and street vending. (3, 5, 6, 9, 11, 14, 19-21) Street children work long hours and may be exposed to extreme temperatures, violence, drug use, humiliation, and abuse. They are also vulnerable to commercial sexual exploitation. (5, 9, 14, 20) Children working as domestic servants may be required to work long hours, performing strenuous tasks, without sufficient food or shelter. These children may be isolated in private homes and are susceptible to physical and sexual abuse. (22)

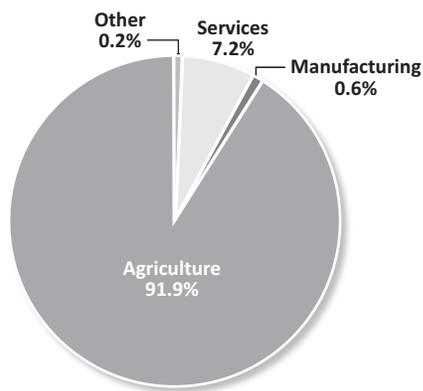
Azerbaijan is a source, transit, and destination country for children trafficked for forced labor and commercial sexual exploitation internationally. Children are also trafficked internally for commercial sexual exploitation and forced labor, including forced begging. (14, 20, 23-25)

Evidence suggests that families with limited resources sometimes prioritize education for male children and keep girls home working in household chores. Some poor families force their children to work or beg rather than attend school. (3, 14)

Statistics on Working Children and Education

Children	Age	Percent
Working	5-14 yrs.	4.5 (70,034)
Attending School	6-14 yrs.	94.3
Combining Work and School	7-14 yrs.	4.9
Primary Completion Rate		92.8

Working Children by Sector, Ages 5-14



Sources:

Primary completion rate: Data from 2011, published by UNESCO Institute for Statistics, 2013. (1)

All other data: Understanding Children's Work Project's analysis of statistics from CLS (SIMPOC) Survey, 2005. (2)

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Laws and Regulations on the Worst Forms of Child Labor

Section 249 of the Labor Code prohibits the employment of children under age 15.(26) Sections 98 and 250-254 of the Labor Code prohibit children under age 18 from working in hazardous conditions, and identify specific work and industries barred to children.(26) They include working with narcotics and toxic substances, underground, at night, in mines, and in night clubs, bars, casinos, or other businesses that serve alcohol.(26, 27) Azerbaijan has a hazardous work list of over 2,000 occupations, including agricultural activities, street work, and domestic service, approved by Decision 58 of the Cabinet of Ministers in 2000.(28, 29) Article 91 of the Labor Code prohibits children under age 16 from working more than 24 hours per week. Children ages 16 and 17 may not work more than 36 hours per week.(26, 27)

International Conventions and Selected Laws on Child Labor and Education

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	17
	Free Public Education	Yes

The Labor Code only covers workers with written employment contracts, and protections may therefore exclude children working without a written employment agreement, in contravention of ILO Convention 138.(26, 28)

The Law of the Republic of Azerbaijan on the Rights of the Child (article 28) ensures the social protection of children from various kinds of exploitation and hazardous labor. It states that all the social, legal, economic, medical, and educational means available should be used for this purpose.(19) Article 28

also prohibits forced begging. In addition, article 307 of the Administrative Violations Code proscribes penalties for vagrancy or street begging, including in cases involving children.(30)

Article 35 of the Constitution prohibits forced labor but provides for exceptions for armed service and during states of emergency and martial law, as well as in the execution of a court's decision under the supervision of a government agency.(31, 32) Article 106 of the Criminal Code prohibits slavery and provides stricter minimum penalties for cases of slavery or human trafficking when children are involved.(33)

Article 171 of the Criminal Code establishes penalties for involving a child in prostitution. Articles 243 and 244, respectively, prohibit the coercion of a person into prostitution and the maintenance of a brothel.(33)

Article 242 of the Criminal Code prohibits the creation of pornography with the intent to distribute or advertise.(33) Article 171 of the Criminal Code prohibits involving minors in prostitution or other "immoral actions," which may include the creation of child pornography.(33) In 2012, Parliament amended the Criminal Code to prohibit the production of child pornography.(30) The Amendment establishes a penalty of between \$9,600 and \$12,000 in fines or up to 5 years of imprisonment for one instance, and imposes additional penalties of up to 8 years for repeat or aggravated circumstances for crimes involving children under the age of 14.(11, 34)

Azerbaijan has a law specifically prohibiting trafficking in persons, which establishes prevention and protection mechanisms, including special measures for children under age 18.(35) In addition, article 173 of the Criminal Code establishes penalties for the sale or purchase of a child.(33)

Articles 5 and 19 of the Education Law of Azerbaijan state that general education is compulsory, free, and universal from age 6.(36) Although there are conflicting reports, education appears to be compulsory to age 17.(14, 29, 36, 37)

According to articles 3 and 10 of the Law on Military Obligation and Military Service, adopted in December 2011, male citizens are required to perform active military service at age 18, while children age 17 are eligible to receive military training.(29, 38-41)

Institutional Mechanisms for Coordination and Enforcement

In May 2012, the President issued Decree No. 626, which calls for the development of a coordinating mechanism for

activities conducted by all central authorities assigned to the protection of child rights.(42) The Ministry of Labor and Social Protection of Population (MLSPP); the Ministry of Internal Affairs; and the State Committee on Family, Women and Children's Affairs (SCFWCA) all work separately in their individual areas of expertise, namely, enforcing workplace standards, prosecuting illicit activities and trafficking, and protecting children's rights.(4, 6) As a result of the President's Decree, the MLSPP and SCFWCA signed a memorandum of understanding to coordinate child labor activities on monitoring and awareness raising, and began drafting a Joint Action Plan to be completed in 2013.(11) The SCFWCA was assigned to create and maintain an inter-agency case management database on child rights.(30)

The State Labor Inspectorate within the MLSPP is responsible for enforcing the country's child labor laws.(27) The Ministry reports that it employs 230 labor inspectors.(6) The Ministry does conduct unannounced inspections, but those inspections are not planned or tracked.(7) According to the Government, trainings were held for representatives of the MLSPP, the State Migration Service, the Border Service, NGOs, and 15 tourism agencies operating out of Baku to improve professionalism and better identify victims of human trafficking and forced labor.(42)

In 2012, the Labor Inspectorate conducted 8,341 inspections. The Government did not make the number of inspections involving child labor publicly available.(11)

The MLSPP reported that, in 2012, no violations were found in the agricultural sector, and one child labor violation was found in the service sector. In addition, one employer received a fine of \$1,200 for a child labor violation in 2012.(11) In 2011, the Ministry of Labor Inspectorate examined 6,457 enterprises, offices, and institutions.(43) Of the 14,896 labor violations reported, seven were child labor violations; of these, two cases were in the industrial sector, three in trade, one in hospitality and one undefined. No penalties were imposed for the child labor violations.(39) In 2010, inspectors examined 3,201 enterprises, offices, and institutions and found 23 cases of child labor violations, but no penalties were imposed.(44) In 2009, inspectors found 62 cases of violations involving the employment of children between ages 15 and 18, but no instances of children employed under age 15; it is not clear whether penalties were imposed.(27) More information on violations reported is not publicly available.(7) The reasons for the lack of penalties are not known. As of 2009, over 81,000 businesses had been officially registered in Azerbaijan.(45, 46) Less than

4 percent of the formal sector may have been inspected in 2010; whether these inspections were targeted toward sectors in which children commonly work is unknown. In 2010, the Ministry improved labor inspection quality by providing multiple training and consultation opportunities to its staff with international organizations like the World Bank.(16)

The National Referral Mechanism for Trafficking in Persons is the body that coordinates government efforts to address trafficking in persons, including trafficking of children. It coordinates over 15 government ministries and committees, and is led by a National Coordinator at the Deputy-Minister within the Ministry of Internal Affairs (MIA).(24, 35) The MIA is responsible for enforcing trafficking laws and investigating trafficking violations, and for the enforcement of criminal laws related to the use of children in illicit activities.(11) Furthermore, the MIA refers children who are victims of human trafficking to social services for assistance with school enrollment, registering for recreational activities, and obtaining proper documentation.(11) The MIA's responsibility to help trafficking victims obtain proper documentation is part of a larger government effort to assist children without birth registrations, a group that is particularly vulnerable to trafficking.(3, 11, 14, 20, 24, 35, 39, 47) During the reporting period, the MIA assisted 19 children obtain identification cards.(30)

Since April 2012, nine regional and international seminars were held to improve victim identification and victim sensitivity training among local law enforcement. Officers from the MIA's Anti-Trafficking Department (ATD) and 27 regional and city police stations participated.(24) In December 2012, investigators, prosecutors, and judges participated in a 3-day training led by the USDOJ on investigating and prosecuting human trafficking cases, which included sessions on victim identification and sensitivity.(24) The MIA reported one case of child labor trafficking between April 1, 2012, and February 13, 2013. The case led to the conviction of two individuals who received 9- to 10-year prison sentences.(24) Reportedly, the SCFWCA and some NGOs do not view the number of prosecutions of labor and human trafficking violations involving children as sufficient given the scope of the problem.(11) According to the National Coordinator of the ATD, 455 cases of forced begging were found in 2012, which led to the referral of 100 street children to NGOs for legal and social services assistance. In addition, 27 minors were referred to Child Police Desks in district police stations throughout central Baku, where they were provided legal assistance.(24)

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Government Policies on the Worst Forms of Child Labor

Sections 1.2.5 and 2.17 of the National Action Plan on the Protection of Human Rights seek to ensure that the Criminal Code is compatible with international standards on preventing the sexual exploitation of children, and strengthening efforts to fulfill the ILO child labor conventions, respectively. The plan also addresses human trafficking and calls for rehabilitation centers for victims.(29, 48) In 2012, the Government established a task force composed of the Ministries of Labor, Internal Affairs, Education, the SCFWCA, and NGOs to create guidelines for implementing the plan. According to one NGO representative of the task force, members conducted monitoring visits to places in which child labor is known to occur, such as restaurants and bazaars, with the intention of drafting new child labor standards for both businesses and government agencies.(11) Because work on the guidelines began in 2012, such work does not appear to be completed yet.

During the reporting period, the SCFWCA and the MLSPP organized a round table titled “Child Labor: Implementation of legislation, addressing its social impact and consequences, prevention of involvement of young people to hazardous labor, building a safe future for young people” and as a result of the event signed a memorandum of understanding to coordinate their efforts related to public awareness raising and monitoring child labor. The two bodies are drafting a Joint Action Plan, which has yet to be finalized.(11, 42)

The Government has a national program to implement the 2009-2013 National Action Plan for Combatting Human Trafficking.(24) The program aims to improve the coordination of activities, the effectiveness of the prosecution of perpetrator, and the protection and rehabilitation of victims of trafficking by identifying the parties responsible for each objective of the 2009 National Action Plan.(49, 50) The 2009 National Action Plan targets the underlying social problems that contribute to trafficking.(47, 50)

The UN Development Assistance Framework (UNDAF) (2011-2015) includes efforts to improve identification, referral, and legal support services for victims of trafficking, as well as to build the capacity of judiciary and law enforcement personnel. However, unlike the previous UNDAF, it does not address other worst forms of child labor.(51, 52)

The Poverty Reduction Strategy (PRS), adopted in September 2008, includes efforts to improve social protection for the most vulnerable populations, including child laborers.(53) Though the PRS calls for researching, preparing, and implementing a

National Action Plan on child labor, the Government does not appear to have begun developing this plan. The strategy also calls for developing a National Action Plan on abandoned and street children.(53) In addition, the PRS includes a plan to improve efforts to make schools better and more accessible, and to decrease educational costs, for example, with free textbooks and hot meals for children.(53) The impact of these efforts on eliminating the worst forms of child labor is unknown.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Research has found limited evidence of government funding for social programs to specifically address child labor in agriculture or other sectors where child labor exists. Programs to prevent the worst forms of child labor primarily address human trafficking. Government authorities have undertaken a number of programs, sometimes in cooperation with international organizations or NGOs, under the auspices of the National Action Plan on Combating Human Trafficking. These programs aim to prevent trafficking, and to protect and assist victims through public awareness campaigns and the provision of shelter and psychological and employment assistance for trafficking victims.(25, 54) For example, the Government supports a hotline and the Center of Assistance for Victims of Human Trafficking, which provide medical, psychological and social rehabilitation, and reintegration assistance to victims of trafficking.(24)

Information suggests the Ministry of Education, with the SCFWCA, are working together to develop a national database for local agencies to identify children who are not in school and track these children across districts and over time. However, this program has not yet been fully implemented.(11)

A 2010 World Bank survey has provided information on the reach of the Government’s social assistance programs.(55) It found that the Government provided some form of social assistance to 63.2 percent of the population and 81.2 percent of the poor in 2008, and that without this social assistance, the instances of poverty in Azerbaijan would have increased by an estimated 60 percent. These social transfers provide almost half (45 percent) of the income of the poorest 20 percent of the population.(55) Social assistance spending is predominantly composed of pensions (75 percent), but also includes unemployment support and transfers to families with children, as well as the means-tested Targeted Social Assistance (TSA) program, which provides cash transfers to low-income families.(55)

In 2012, Azerbaijan participated in the USDOL-funded, 4-year Global Action Program on Child Labor Issues Project, which is active in approximately 40 countries. In Azerbaijan, the project aims to build the capacity of the national Government and develop strategic policies to address the elimination of child labor and forced labor.(56)

The TSA program, which has replaced three previously existing benefits targeted at households with children, is more effective

than pension benefits in reducing poverty, according to the World Bank analysis.(55) The program reached around 9.2 percent of the population in 2009, but only about 12.4 percent of the poor (10 percent of the extreme poor) due to resource constraints according to this same analysis. The TSA program may therefore have limited impacts.(55) The question of whether these social assistance programs have an impact on the worst forms of child labor does not appear to have been addressed.(55, 57, 58)

Based on the reporting above, the following actions would advance the elimination of the worst forms of child labor in Azerbaijan:

Area	Suggested Actions	Year(s) Action Recommended
Laws and Regulations	Amend the Labor Code to ensure protections are afforded to children who are legally permitted to work and working without written employment contracts.	2011, 2012
Coordination and Enforcement	Implement a system to track and monitor labor inspections, including unannounced inspections.	2011, 2012
	Report whether and how investigations are targeted at sectors with child labor.	2011, 2012
Policies	Develop a National Action Plan on Child Labor and implement the actions under the Poverty Reduction Strategy.	2012
Social Programs	Target programs specifically to children in the worst forms of child labor, such as agriculture, and their families.	2009, 2010, 2011, 2012
	Develop the national database that will enable local agencies to identify children who are not in school and track them across districts and over time.	2012
	Assess the impact that social protection programs may have on child labor to determine whether expansion of the program may significantly impact child labor in agriculture and forced child labor in prostitution and begging.	2011, 2012

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